

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

C.H.,	:	
	:	
Plaintiff,	:	C.A. No. 07-193 MPT
	:	
v.	:	
	:	
THE CAPE HENLOPEN SCHOOL	:	
DISTRICT, GEORGE E. STONE,	:	
THE DELAWARE DEPARTMENT OF	:	
EDUCATION, and SECRETARY	:	
VALERIE A. WOODRUFF,	:	
	:	
Defendants.	:	

INTERIM STATUS REPORT

I. Nature of the Matters at Issue

On April 5, 2007, Plaintiff filed this civil action against Defendants, the Cape Henlopen School District ("the District"), the District's Superintendent, George E. Stone, in his official capacity, the Delaware Department of Education, and Secretary of Education, Valerie A. Woodruff, in her official capacity.

Plaintiff seeks judicial review of an administrative special education due process panel's decision dated January 6, 2007 under the Individuals With Disabilities Education Act ("IDEA"). Plaintiff also alleges violations of Section 504 of the Rehabilitation Act of 1973, and 42 U.S.C. § 1983. The special education due process panel ruled in favor of Defendants and found no violation of the IDEA.

In general, Plaintiff alleges the Defendants failed to provide him with a free appropriate public education in violation of the IDEA. Defendants deny Plaintiff's allegations and contend

the administrative special education due process hearing panel's decision should be affirmed.

II. Progress of Discovery

The parties have exchanged Rule 26(a) disclosures. On October 26, 2007, Delaware local counsel for Plaintiffs received Defendants' First Set of Interrogatories and Request for Production from counsel for Defendants. Delaware local counsel forwarded those documents to counsel for Plaintiff, who is in the process of formulating and compiling, with his clients, responses to the discovery requests. Defendants believe that discovery should be completed in a timely fashion, and that briefing on case dispositive motions should proceed as set forth in the Scheduling Order.

III. Settlement Discussions

On or about October 4, 2007, counsel for Plaintiff sent a letter to Defendants outlining Plaintiff's costs to date, and requested Defendants to make a settlement offer. Defendants are in the process of formulating and sending a settlement offer to Plaintiff's counsel.

YOUNG, CONAWAY, STARGATT
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DEPARTMENT OF JUSTICE

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Dated: October 30, 2007

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